



Mitchell E. Daniels, Jr.  
Governor

STATE OF INDIANA  
Department of Correction  
Indiana Government Center – South  
302 W. Washington Street • Indianapolis, Indiana 46204-2738  
Phone: (317) 232-5711 • Fax: (317) 232-6798 • Website: [www.in.gov/indcorrection/](http://www.in.gov/indcorrection/)

Edwin G. Buss  
Commissioner

March 31, 2009

**EXECUTIVE DIRECTIVE: # 09 – 22**

This Executive Directive presents a revision of Policy 02-01-102, "Offender Visitation," and its administrative procedures. The attached policy and administrative procedures replace the policy and administrative procedures currently in the *Manual of Policies and Procedures* with an effective date of September 1, 2007. The effective date of the attached policy and administrative procedures is June 1, 2009. The attached policy and administrative procedures is applicable to all facilities housing offenders and all offenders, except those offenders housed on Death Row.

There have been several changes in the attached policy and administrative procedures. Attached is a list of the most significant changes made in the policy and administrative procedures.

One of the changes made in these administrative procedures is offenders will only be allowed to have a total of 12 visitors (10 immediate family members and 2 friends) on their visitor lists. In order to reduce the number of visitors on the visitor's lists, offenders shall be given three (3) months from the effective date of the attached policy/administrative procedures to reduce the number of visitors on their list to no more than 12. If after three (3) months, the offender has not submitted the names that he/she wishes to keep on the visitor's list, staff shall take the first 10 immediate family members and first two (2) friends listed on the current visitor's list and put them on the offender's new visitor's list. If the offender wishes to change the names on this visitor's list, the offender will be required to follow the procedures for making changes in the visitor's list.

Another change in the administrative procedures is the requirement that all persons visiting an offender must complete an application to visit the offender. In order to prevent the facilities from being flooded with applications at the same time, all persons on the offender's new visitor's list who were on the offender's prior list will be given one (1) year to submit an application. To prevent the offenders from waiting until the last minute to have their visitors submit their applications, each facility shall develop a plan for the offenders to follow to have their visitors submit a completed application. These plans should take into consideration the number of offenders in the facility and allow for offenders to submit applications beyond the normal time frame in cases where the visitor does not submit the application in a timely manner. All new visitors, that is visitors not currently on the offender's visitors list, will be required to submit an application prior to being allowed to visit the offender.

In addition to the application process, all visitors 16 years of age or older must undergo a criminal warrants background check before being allowed to visit an offender. As with the applications, the facilities will be given one (1) year to complete the criminal warrants checks on persons on the offenders' visitors lists. The criminal warrants checks should be completed in conjunction with the visitor submitting the completed application to visit an offender. New

visitors will be required to undergo the criminal warrants checks prior to being allowed to visit any offender in the Department. Due to the volume of criminal warrants checks that are anticipated, the Department shall monitor these checks on visitors to ensure that staff are able to complete these checks in a timely manner and without a significant impact on staff and resources. If it is determined that changes need to be made in the procedures, the facilities will be notified.

Please ensure that all staff and offenders are made aware of this Executive Directive and the revisions in the attached policy and administrative procedures. The policy and administrative procedures currently in the *Manual of Policies and Procedures* at the facility are to be removed and replaced with the attached. Also, facilities are to ensure that copies of the attached policy and administrative procedures are posted in offender housing units and other locations so that offenders will have ready access to this policy and its administrative procedures.

The attached policy and administrative procedures require the facilities to develop operational procedures. Please ensure that the necessary operational procedures are completed and submitted to the Department Policy Manager, along with the facility's plan to come into compliance with the requirements for the visitor's application.

If there are any questions regarding this Executive Directive or the attached policy and administrative procedures, please contact the appropriate Executive Directive of Adult Facilities, at (317) 232-1309, or the Executive Director of Juvenile Services, at (317) 232-5774.

Signature on File

Edwin G. Buss  
Commissioner

## CHANGES TO OFFENDER VISITATION

- III. ADDED: Definition of "Frisk Search" (F)
- V. ADDED: Requirement that all visitors must complete an application for visitation before being allowed to visit. Created a new application and rules to go with it to be sent to all visitors. Parents/legal guardians must complete an application for all children under the age of 18 years who will visit an offender.  
ADDED: Restriction that visitor may be allowed to visit only one (1) offender in the DOC, unless the offender is immediate family. If offender has immediate family in the same facility, offender can visit multiple offenders but not at the same time. (e.g., may visit one offender in the morning and another in the afternoon.)  
ADDED: A criminal warrants check will be done on all visitors over 16 years of age.
- VI. CHANGED: Reduced the number of people that can be on an offender's Visitors List to 10 family members and 2 friends.
- IX. CHANGED: Tightened the criteria for ex-offender visitors to visit the facilities. Now must be immediate family and have the Superintendent's permission.  
CHANGED: Procedures for staff to visit offenders. Do not need to have Central Office approval unless the Superintendents cannot agree.  
ADDED: Procedures for visits by victims.
- XII. ADDED: Procedures to indicate that visitors will be "frisk" searched. Visitor is to be searched by same gender staff.  
ADDED: K-9s may be used in the searches of visitors and in the visiting area.  
LEFT IN: Visitors may be asked to submit to a strip search in extreme situations. Visitor may refuse.  
ADDED: Offenders in Level 2 and above facilities are to be strip searched prior to a visit and immediately after a visit before they return to their housing units or other assignments. Offenders shall be required to leave the visiting area prior to their visitors so that the offender can be searched while the visitor is still within the facility.
- XV. ADDED: Protective Custody units to the segregation units.
- XVI. ADDED: Statement telling Facility Heads to e-mail to other facilities any visiting suspensions or gate closures so that other facilities will know not to let the person in.  
ADDED: Statement telling visitors that if their privileges are suspended or a gate closure is issued they will not be allowed to visit any other offenders in the DOC.  
ADDED: Procedures on what the Executive Directors are to do if they overturn a Facility Head's suspension of visiting privileges or gate closure.
- XIX. ADDED: Included escape and attempted escape as reasons for imposing non-contact visits.



Effective Date	Page I of	Number
06/01/09	30	02-01-102

**POLICY AND ADMINISTRATIVE  
PROCEDURES**  
**Manual of Policies and Procedures**

Title

**OFFENDER VISITATION**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-11-3-8 IC 11-11-3-9 IC 35-38-6-4 210 IAC 1-8	00-01-102 00-02-301 01-03-101 02-03-101 02-04-101 03-02-101	ACA:  CO: 2-CO-5D-01 ACI: 4-4267, 4-4498 – 4-4501, 4-4503, 4-44504 JTS: 2E-03, 3E-09, 3E-19, 5H- 12 – 5H-18

**I. PURPOSE:**

The purpose of this policy and administrative procedure is to establish a process through which offenders may receive visits from persons outside the Department of Correction in order to maintain contact and relationships in the community.

**II. POLICY STATEMENT:**

The Department of Correction shall encourage offender communication and contact with family and friends. The Department recognizes that the majority of offenders will be released into the community and that the offender's eventual reintegration will be more effective if a visitation program permits the maintenance of social relationships. In addition to traditional forms of visitation (contact and non-contact), alternative methods of visitation may be made available to help facilitate persons unable to travel to facilities.

The Department recognizes that in some cases, the visitation privilege can be abused or used for inappropriate purposes and for this reason the Department shall establish visitation guidelines. These guidelines may include the imposition of restrictions ranging from non-contact visits, including video visits, to not allowing certain persons to visit. Restrictions on the visitation privilege shall be made based upon the safety, security, good order and administrative manageability of the facility and those persons involved. The offenders shall have the opportunity to appeal the decision to restrict visitation privileges through the Offender Grievance Process.

The Department shall provide as much uniformity and consistency in visiting as possible, while considering the physical limitations and security needs of each facility. The Department shall include provisions for visits by attorneys, clergy,

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 2	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

ex-offenders, family and friends, media representatives, legislators and government officials. Visits shall be permitted at reasonable times.

### **III. DEFINITIONS:**

For the purposes of these administrative procedures, the following definitions are presented:

- A. **ATTORNEY:** Any member of the legal profession, admitted to a State bar retained by or for an offender or appointed by a court to represent the offender.
- B. **CLERGY:** A single spiritual advisor designated by the offender who is an accredited representative or minister of the offender's personally designated religion or another person, not a family member, designated by the offender to provide spiritual advice.
- C. **CONTACT VISIT:** A visit in which the offender and visitor(s) are not physically separated.
- D. **DENIAL:** An immediate denial of visitation for a specific situation or reason, generally for a single visit or until the situation is in compliance with visitation rules. (e.g., the visitor is dressed inappropriately; the visitor is attempting to visit when the offender is not eligible for a visit.)
- E. **ELECTRONIC DEVICES:** Any electric or battery operated device, including, but not limited to: cameras, portable phones, radios, beepers, tape recorders, etc.
- F. **FRISK SEARCH:** A search that is conducted on one half (1/2) of the person's body at a time, utilizing a squeezing technique with both hands along the body and clothes of the person being searched, which includes the breast and genital areas. This type of search is a more thorough and detailed search of a person than a pat search.
- G. **GATE CLOSURE:** The refusal to permit a visitor to enter any Department facility for an indeterminate period of time (e.g., permanently banning a visitor from visiting any offender in the Department due to a trafficking violation.).
- H. **IMMEDIATE FAMILY:** The immediate family of an offender is his/her father, mother, siblings, spouse, children, grandparents, grandchildren, aunts, uncles, and legal guardians including those with a "step," "half" or

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 3	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

adoptive relationship and those persons with the same relationship to the offender's spouse.

- I. NON-CONTACT VISIT: A visit in which the offender and visitor(s) are separated by a physical barrier.
- J. MAXIMUM SECURITY UNIT: Those facilities designated by policy 01-04-101, "Adult Offender Classification," as maximum security and the disciplinary segregation units of all facilities.
- K. NEWS MEDIA: Any agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio or television news program holding a Federal Communication Commission license.
- L. SUSPENSION: The refusal to permit a visitor to visit at any Department facility for a determinate period of time. (e.g., taking away a visitor's visiting privileges at all Department facilities for 30 days for a visitation rule violation.)
- M. VISITATION – MINOR RESTRICTION (VMR): The restriction prohibiting visitation by minors (i.e., persons under the age of 18 years) based upon an offender's current or prior adjudication or conviction for a sex offense involving a minor.
- N. VMR OFFENDER: An offender who has a current or prior adjudication as a juvenile or conviction as an adult for a sex offense involving a minor and who may be denied visits with minors.
- O. VIDEO VISITATION: A method of visitation which allows offenders to visit through electronic media.

#### **IV. VISITATION AREAS:**

Each facility housing offenders, except Department Intake Units, shall designate at least one (1) location that shall be used for offender visitation. This area(s) shall be in a location(s) that ensures the safety and security of the facility and the persons involved. The designated area shall be large enough to accommodate the visitation needs of the offender population dependent on the resources available to the facility. These areas shall have access to the OIS or JDS computer systems, depending upon the type of facility.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 4	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

All facilities may designate areas for contact visitation and video visitation; however, an area shall also be designated for non-contact visitation where applicable. Maximum-security facilities may designate the entire visiting areas as "non-contact" visitation. "Non-contact" visits shall only be used in those cases where it is determined to be in the best interests of the safety and security of the facility and those persons involved in accordance with Procedure XIX.

Facilities shall take into consideration the impact that visits with parents or grandparents in a correctional facility may have on young children, especially pre-school age children. When possible and taking into consideration the physical environment and space capabilities, the facilities shall make special accommodations to entertain and occupy the minds of these children. These accommodations may include a separate room adjoining the main visiting area which is a bright, inviting and comfortable area or a similar space within the main visiting room. Appropriate age books, games and toys may be available in these areas. All children must be supervised by the offender who is being visited or the adult visitor who brought the children at all times, whether in this area or in the main visiting area. The use of this type of area shall be accomplished without the need for additional staff to supervise the area.

Operational procedures shall designate the location(s) for offender visitation and whether the areas shall permit "contact" or "non-contact" visits.

### **V. APPLICATION FOR VISITATION:**

In order for family members and friends to visit offenders, they must complete an application for visitation. Facilities shall use State Form 14387 APPLICATION FOR VISITING PRIVILEGES, to provide visitors with the necessary information regarding visitation. Offenders shall be responsible for sending applications to family members and friends that they want to visit. Each Facility Head shall designate a staff person to receive these applications and process them. The facility's operational procedures shall address how these applications will be received and processed, including the addition or deletion of persons from the offender's visitors list.

All visitors must complete the application and mail it to the facility the visitor wants to visit. Parents/Legal Guardians shall complete an application for minors under the age of 18 years and shall sign the application on behalf of the minor child. Faxes of the application are not acceptable. It is important that the application is completed fully and all questions are answered honestly. Failure to provide all necessary information may result in a delay in the processing of the application or a denial of visitation privileges. Falsifying an application shall result in the applicant being banned from all correctional facilities for a period of one (1) year.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

### **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	5	30
Title			
<b>OFFENDER VISITATION</b>			

Visitors shall be permitted to visit only one (1) offender within the Department unless the visitor has other immediate family members incarcerated in a Department facility. Therefore, unless the visitor has other immediate family members in different facilities, the visitor shall not be allowed to visit other offenders in other Department facilities. Visitors may request that they be removed from one (1) offender's Visitor's List and be placed on another offender's list in accordance with these administrative procedures.

This application, once approved, shall allow access to the facility to visit the designated offender. The signature of the visitor acknowledges agreement to all rules and regulations included in this policy and administrative procedures, including criminal background checks through IDACS.

Children less than 18 years of age must have their application completed by their parent/legal guardian. An adult visitor who has the notarized permission of the child's parent or legal guardian who has custody of the child (not the offender) may be allowed to bring the child to the facility for the visit; however, both the child and the adult visitor must have an application on file to visit the offender. State Form 48965, AUTHORIZATION FOR MINOR CHILD TO VISIT, shall be used to allow an adult, other than the child's parent or legal guardian, to bring a child into the facility to visit an offender. The parental authorization form must be notarized by a Notary Public. When submitting State Form 48965, the parent/legal guardian must attach a copy of the child's birth certificate.

Criminal warrants checks will be conducted on each adult and child (16 and older) applying to visit an offender. When an active criminal warrant is found, the application will be reviewed and local law enforcement shall be notified of the information provided. The information on the applicant's criminal history is treated as confidential and will not be released to the offender.

Once a decision is made either approving or denying the application, the offender shall be notified. The offender is responsible for advising applicants that their applications have been approved or denied. The applicant's approved Department visiting application must be on file prior to visiting.

Visitors may have their names removed from an offender's visiting list by making that request in writing. Once the name is removed, the visitor must wait six (6) months before applying to visit the same or another offender. Exceptions may be made for immediate family members.

Visitors who require a reasonable accommodation for a disability must contact the staff person responsible for processing visitors.



<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction <b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 6	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

## VI. VISITATION LISTS:

Each facility shall maintain an approved visitation list for each offender. This information shall be maintained on the OIS/JDS computer system. The offender's visitation list shall be updated quarterly, at a minimum, in a manner convenient to the operation of the facility. Offenders may request visitation from immediate family members or other approved persons in place of the immediate family members when the offender does not have immediate family members (not to exceed 10) and two (2) friends provided the request is consistent with these administrative procedures and all pertinent operational procedures. Juvenile facilities may limit offender visits to immediate family/legal guardians only, unless the "friends" are necessary to assist in the treatment program. The visitation list shall include:

- A. The offender's name and number;
- B. The name of the requested visitor;
- C. The relationship of the visitor to the offender;
- D. The visitor's date of birth;
- E. The visitor's address; and,
- F. The visitor's drivers license number or state ID information, if available.

Visitation lists may be printed from the OIS/JDS computer systems.

The Facility Head or designee shall develop operational procedures which outline the specific staff person's responsibilities in updating and maintaining the visitation list and the location and/or distribution of the visitation list.

## VII. RULES FOR VISITATION:

Each facility shall provide the rules for visitation to the offenders and shall make these rules available to person's wishing to visit an offender. The rules shall be available in Spanish and English. Each facility may establish facility specific visitation rules not covered in the Department's visitation rules. ATTACHMENT III presents the Department's standard rules of visitation.

The Facility Head shall ensure that a sign containing information regarding the possession and/or trafficking of controlled substances is posted in a prominent location so that both offenders and visitors may read it prior to entering the visitation area. These signs shall contain the following information:

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 7	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

A person who, without the prior authorization of the person in charge of a penal facility, knowingly or intentionally:

- (1). Delivers or carries into the penal facility with intent to deliver an article to an inmate of the facility; or,
- (2). Carries or receives with intent to carry out of the penal facility an article from an inmate of the facility; commits trafficking with an inmate, a Class A misdemeanor.

However, the offense is a Class C felony if the article is a controlled substance or a deadly weapon. (A Class A misdemeanor is punishable by imprisonment for a fixed term of not more than one (1) year and a fine of up to \$ 5,000. A Class C felony is punishable by imprisonment for up to four (4) years, with not more than four (4) years added for aggravating circumstances or not more than two (2) years subtracted for mitigating circumstances and a fine of up to \$ 10,000.)

The Department of Correction shall not tolerate trafficking with an offender or the possession of controlled substances, tobacco, electronic devices or weapons while on Department property. All offenders and visitors shall be subject to search. Refusal to be searched shall result in a denial of the visit.

In all cases where a visitor and/or an offender is found to be trafficking, the evidence shall be turned over to the Indiana State Police with a recommendation that the matter be prosecuted to the fullest extent. In addition, any visitor caught trafficking shall be permanently banned from visiting any offender in the Department of Correction at any Department facility.

Any offender found guilty in a disciplinary action of possession of a controlled substance or tobacco shall have his/her visiting privileges restricted to "non-contact" visits only. Additionally, an offender found guilty of certain other disciplinary code violations may have his/her visiting privileges restricted to "non-contact" visits only. For the first offense, these "non-contact" visits shall be for a period of six (6) months; second offense - twelve (12) months; any further offenses - permanently.

Also, all Department facilities shall post signs in the area(s) where visitors are initially processed and in the visiting rooms/areas that advises visitors that drug

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 8	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

and tobacco detection dogs (K-9s) may be in use in the facility and visitors shall be subject to search by these dogs. The sign shall state:

**NOTICE:**

*Drug and tobacco k-9's (dogs) may be in use today in the visiting room. These dogs are non-aggressive. All visitors will be searched prior to entering the visiting room and/or during the visit. If you do not wish to be searched, you may choose not to visit today.*

**ATENCIÓN:**

*K-9's (perros) que pueden detectar narcóticos y tabaco pueden ser usados hoy en la sala de visitantes. Estos perros no son agresivos. Todos los visitantes van a ser registrados antes de entrar en la sala de visita y / o durante la visita. Usted puede optar por no visitar hoy!*

These signs shall be presented in both English and Spanish.

**VIII. PERSONS EXEMPTED FROM THE VISITATION SCHEDULE:**

Staff must verify the qualifications of exempted visitors and may request background information and official assignment documentation from the potential visitor for this purpose. Whenever possible, exempted visitors should schedule their visits at least 24 hours in advance so that the facilities can ensure that suitable accommodations are available.

Attorneys, clergy, or government officials or person's from other agencies/organizations providing an approved service for the facility or the offender (e.g. Mental Health professionals, Indiana Vocational Rehabilitation counselors, etc.) may be approved for visitation on a case by case basis. Such visits will not be considered as part of the offender's regular visitation schedule and these visitors need not be on the visitation list (as determined in the operational procedures required by Procedure VI). If the attorney, clergy, or government official is not on the authorized visiting list, approval from the Facility Head or designee is required.

Where space is available and the security of the facility and safety of the people involved will not be impaired, a special area may be set aside for attorney-client visits. If space is available, arrangements also may be made to allow clergy or approved spiritual advisors to have a separate space, outside of the regular visiting room/area, to meet with the offender. In both cases, such space shall be observable by staff; however, staff shall not listen to the conversations.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 9	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

### **IX. VISITATION BY STAFF, EX-EMPLOYEES, EX-OFFENDERS PAROLEES/PROBATIONERS AND VICTIMS:**

In accordance with the administrative procedures for Policy 04-03-103, "Information and Standards of Conduct for Departmental Staff," staff shall notify the Facility Head in writing whenever a friend or relative is committed to the Department. A staff person may be permitted to visit an offender who is an immediate family member. Additionally, with sufficient justification, a staff person may be permitted to visit an offender who is a family member but not an immediate family member. In these cases, the staff person shall provide the facility with sufficient information to verify the relationship and the need for such visits.

A staff person must obtain prior written approval to visit an offender. The staff person shall obtain State Form 51058, REQUEST FOR STAFF CONTACT WITH OFFENDER, from the facility. The staff person shall complete Sections I and II. The staff person shall provide as much information as possible, including information verifying the relationship, so that a decision can be made regarding the visit. The staff person shall submit the form to the Facility Head of his/her facility. The Facility Head shall review State Form 51058 and determine whether approval of the requested visit is in the best interests of the Department, offender and staff person. The Facility Head shall consider such factors as the relationship between the staff person and the offender, the staff person's work history with the Department and the potential impact on the facility and the offender's adjustment. The Facility Head shall indicate his/her decision on the form and forward it to the Facility Head of the facility housing the offender.

The Facility Head of the facility housing the offender shall review the request. The Facility Head of the facility housing the offender shall consider such factors as: the relationship between the staff person and the offender; the offender's conduct history; the frequency of visits to the offender; the offender's family background; and, the decision of the staff person's Facility Head and any comments made by that Facility Head, etc.

If both Facility Heads approve the request to visit, the Facility Head of the facility housing the offender shall return the State Form 51058 to the staff person's Facility Head who shall note the approval. A copy of State Form 51058 with the approvals of both Facility Heads shall be given to the staff person who will be required to bring the form with him/her whenever a visit takes place. Additionally, a copy of the approved State Form 51058 shall be placed in the staff person's personnel packet and a copy placed in the offender's packet. Once the approval is given by both Superintendents, the staff person shall be required to complete an APPLICATION FOR VISITING PRIVILEGES and attach a copy of State Form 51058 in order to be placed on the offender's visitors list.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

### **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 10	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

If either or both of the Facility Heads do not approve the request from the staff person to visit the offender, the Facility Head of the facility housing the offender shall forward the request with all recommendations to the Executive Director of Adult Facilities or the Executive Director of Juvenile Services if the offender is a juvenile. The appropriate Executive Director shall review the request and, if necessary, contact the facilities to obtain additional information before rendering a decision. If one of the facilities involved is not under the Executive Director's supervision, State Form 51058 shall be forwarded to the other Executive Director, as appropriate, for review and approval. If either of the Executive Directors deny the request, the request shall be considered denied and the staff person shall not be allowed to visit the offender. The decision of the Executive Director(s) shall be final.

Following approval/denial by the Executive Director of Adult Facilities or Executive Director of Juvenile Services, the original State Form 51058 shall be returned to the originating Facility Head for filing and a copy shall be sent to the Facility Head of the facility housing the offender. Once an approval has been granted for visits between a staff person and an offender, the approval shall remain in effect until rescinded by the Executive Director of Adult Facilities or Executive Director of Juvenile Services. If the request to visit is denied, the staff person may submit another request for visitation one (1) year from the date of the denial. If a staff person terminates his/her employment with the Department, any approval to visit an offender shall be rescinded immediately and the staff person will be required to follow the procedures for ex-employees to visit offenders.

If the request is approved and the offender is transferred to another facility, the approval shall continue to be in effect unless the Facility Head or designee of the new facility determines that there is a reason to require the staff person to submit a new request.

Ex-employees who wish to visit an offender must make a written request for approval to the Facility Head of the facility housing the offender prior to the visit. Generally, ex-employees shall not be allowed to visit an offender who has been housed in the same facility in which the ex-employee was employed and who was incarcerated at the facility during the time the ex-employee was employed there. The Facility Head shall review the request and recommend whether the visit is in the best interest of the facility and the individuals involved. Unless the ex-employee and the offender are immediate family members or special circumstances exist, visits by ex-employees shall not be authorized until one (1) year after the employee's separation from the Department. Ex-employees shall not be permitted to visit an offender if the relationship between the offender and the ex-employee started or resulted from contact between the ex-employee and the offender during the ex-employee's period of employment with the Department. The Facility Head shall forward the request to the appropriate

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

### **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	11	30
Title <b>OFFENDER VISITATION</b>			

Executive Director of Adult Facilities or Executive Director of Juvenile Services for review and approval/denial. The appropriate Executive Director shall render a decision and so notify the Facility Head submitting the request. The decision of the Executive Director shall be final. Ex-employees shall not be allowed to visit an offender until the request to visit has been approved by the appropriate Executive Director. If the decision is to deny the request to visit, the ex-employee may submit another request one (1) year from the date of the denial.

In cases where an ex-employee has been terminated from employment or allowed to resign prior to termination, or during an investigation arising from a violation of Department rules or procedures involving an offender, (e.g. trafficking, inappropriate contact) the ex-employee shall be denied visitation privileges permanently from all Department facilities. Such denials shall be noted in the OIS/JDS computer system.

Ex-offenders shall not be permitted to visit offenders in Department facilities without the prior written approval of the Facility Head of the facility housing the offender to be visited. Ex-offender shall be permitted to visit only immediate family members. Permission for visits by ex-offenders who are not under any type of community supervision (e.g., parole or probation) may be considered after the ex-offender has been discharged or released from parole or probation supervision for a period of one (1) year.

Parolees or probationers may be considered for visits if special circumstances warrant such consideration. Special circumstances are visits that will aid in the incarcerated offender's rehabilitation or adjustment to the facility or community upon release. Such visits shall be limited to immediate family members only. The parolee or probationer shall obtain written authorization from his/her parole or probation officer prior to consideration by the Facility Head. The original signed approval from the parole or probation officer must be sent to the Facility Head of the facility housing the offender at the time the request to visit is made. The Facility Head shall consider the safety and security of the individuals and the facility as well as the value of the visit to the offender when granting approval or denial of requests to visit by ex-offenders and parolees/probationers. Approvals to visit shall be for one (1) visit only unless otherwise specified by the parole or probation officer and the Facility Head. Denials of requests to visit shall be noted in the OIS/JDS computer systems. In cases of denials, the parolee or probationer may submit a request again no earlier than one (1) year from the date of the last denial.

Victims generally shall not be allowed to visit offenders, unless the visit is for therapeutic reasons and a therapist has requested the visit and will be a part of the visit, similar to that indicated in Procedures XX. G, or the Facility Head or designee determines that the visit will be in the best interests of the offender's re-entry into the community. Victims who are immediate family members of an

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	12	30
Title			
<b>OFFENDER VISITATION</b>			

offender may submit a request to the Facility Head of the facility housing the offender if they wish to visit the offender. The Facility Head or designee shall determine whether the offender has a Victim Notification (VN) flag involving the victim seeking to visit the offender. The Facility Head or designee shall review the records regarding the actual crime and determine whether it appears that the victim and offender can safely visit. Visits between victims and offenders, if approved, may be non-contact visits or other restrictions may be placed on the visits, including a requirement that the visit be supervised. Visits with victims as a part of a victim reconciliation or restorative justice program may be approved by the Facility Head, if the program provides details of the program and supervision of the visit is provided and it does not appear that the visit will be a threat to the safety and security of the facility or the persons involved. If a visit between an offender and a victim is approved and the offender has a Victim Notification flag, the Facility Head or designee shall contact the Victim Notification Section in Central Office to advise of the intended visit. An offender who is approved to visit with a victim may be permitted to meet with a Mental Health staff person either before or after the visit in accordance with the facility's procedures for requesting Health Care services.

#### **X. VISITATION RECORDS:**

Each facility shall maintain a record for each offender documenting all of the offender's visits, including visits by attorneys, government officials and clergy. These records shall be maintained on the OIS/JDS computer system. Any hard copy records involving offender visits shall be placed in the offender's packet prior to the offender being transferred to another facility or if the offender is released, prior to the transfer of the packet to storage.

Operational procedures shall identify the staff person's responsibilities and method of maintaining this record, including the disposition of the record when an offender is released from the facility.

#### **XI. VISITOR SIGN-IN:**

Each visitor shall sign-in at a place designated by the Facility Head and in a manner appropriate for the facility. This designated location shall have access to the OIS/JDS computer system. State Form 14389, LOG OF VISITORS, may be used for this purpose. Staff assigned to the sign-in area shall confirm and update the visitor's date of birth (DOB), gender, phone number and current address. Immediately prior to entry into the authorized visiting area, all visitors shall be asked, "Do you have in your possession any firearms, weapons, knives, ammunition, narcotics, medication, controlled substances, alcoholic beverages, marijuana, tobacco or tobacco related items, money/currency, cameras, video or audio recording equipment or electronic devices, including cellular telephones,

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	13	30
Title <b>OFFENDER VISITATION</b>			

paggers or other communication devices?" If the visitor responds negatively and no contraband or prohibited property is found in the search process (including searches by drug and tobacco detecting dogs), entry into the visiting room may be allowed. If the visitor responds affirmatively or contraband or prohibited property is found during the search process, staff shall advise the visitor that he/she will not be allowed into the visiting room. If the visitor is in possession of prohibited property, the staff person shall advise the visitor what action (method of disposal of the prohibited property, such as putting in a vehicle or a locker if available) may be taken so that the visit may proceed. If the property is contraband, the staff person shall notify his/her Supervisor immediately for instructions regarding how to proceed and whether law enforcement will be notified. Staff shall follow the facility's procedures for entry into the facility. Cameras, recording equipment and other electronic devices shall not be permitted into the facility without the prior written approval of the Facility Head or designee, except in cases involving the news media as provided in the administrative procedures for Policy 00-03-101, "Distribution of Information," or Department staff/law enforcement who need the equipment to carry out his/her duties.

Additionally, all visitors shall be asked "Are you or have you ever been an employee of the Department of Correction?" If the visitor answers affirmatively, facility staff shall determine whether the visitor has received the necessary approval as indicated in Procedure IX. If the visitor has not received the necessary approval, staff shall advise the visitor of the proper request procedures and deny entry until approval is obtained. If it is determined that the visitor has not been truthful, the Facility Head shall be notified. The Facility Head shall submit a written report to the appropriate Executive Director. All facilities shall be notified that the individual shall not be permitted entry into any Department facility. The visitor shall have the right to appeal the decision to the appropriate Executive Director.

In addition, visitors shall be asked if they have any disabilities that will require special accommodations. Such accommodations may include allowing the visitor to enter the facility with a service dog (seeing eye dog, etc.). Staff shall determine whether the visitor indicated a need for a special accommodation on the APPLICATION FOR VISITATION. If this need was indicated and a special visit has been approved, staff shall process the visitor in accordance with the approved visit. Visitors with special accommodations shall be advised that they will be searched and the search shall include any special equipment, such as wheelchairs, or service animals. Service animals shall have their collars/harnesses searched by staff and the service animal shall be required to pass through the facility's metal detector. While service animals may be permitted in the visitation area, the visitor shall be advised that if the animal becomes disruptive or interferes with the visit, the visitor and the service animal shall be



<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	14	30
Title			
<b>OFFENDER VISITATION</b>			

advised that the visit is terminated. The visitor shall be liable for all actions of the service animal while on facility grounds.

## **XII. VISITOR SEARCHES:**

All visitors attempting to visit an offender shall submit to a search of their person and property. Minimally, all visitors shall be required to submit to a frisk search in accordance with the Department's administrative procedures for Policy 02-03-101, "Searches and Shakedowns." Frisk searches of a visitor's person shall be conducted by staff of the same gender as the visitor.

Additionally, visitors shall be subject to additional searches using metal detectors and ion scanning equipment. Visitors in the waiting area and in the visiting room may be searched by trained K-9s at any time while in the facility. Searches by K-9s shall be in accordance with the procedures for the search of persons using drug and tobacco detecting K-9s in the Department's Emergency Response Manual. Facilities shall ensure that visitors are informed of the proper behavior and actions when being searched by K-9s. This notification shall include a sign posted in the visitor waiting area and the visiting room as well as staff announcing the entrance of K-9s into an area for searches.

Visitors may be asked to submit to a strip search; however, strip searches are to be used only in the most extreme circumstances where reasonable cause exists to believe the visitor is carrying prohibited property or contraband and poses a serious risk to the security of the facility and/or individuals. The decision to request a visitor to submit to a strip search shall be made by the Facility Head or designee. In such cases, the visitor shall be given the option of either submitting to the strip search or being refused entry into the visiting area. The visitor shall be advised as to why the request is being made.

Any visitor who refuses to be searched shall be advised that they will not be permitted to enter the facility visiting area. In cases where a visitor refuses to be searched by any means during a visit, the visit shall be terminated and the visitor shall be escorted from the facility. Staff at the initial processing area and in the visiting area shall maintain a log of all visitors who refuse to be searched upon demand. The facility shall follow the procedures established in Procedure XV for documenting the denial of a visit.

Offenders in Level 2 and above facilities shall be strip searched prior to entering the visiting room and shall be strip searched immediately upon leaving the visiting room before being allowed to return to their living area or assignment. At the conclusion of the visit, the offender shall be required to leave the visiting area first. The visitor shall be requested to wait until the offender has been processed

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 15	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

and searched. If staff finds any prohibited property or contraband on the offender, staff shall identify the visitor and shall contact local law enforcement.

Frisk and strip searches, use of metal detectors, x-rays, K-9's and inspection of purses, packages and bundles shall be governed by the standards established in Policy 02-03-101, "Searches and Shakedown" and shall be consistent with the security needs of the facility.

### **XIII. IDENTIFICATION:**

All visitors age sixteen (16) years and older shall be required to produce picture identification before entering the visiting area. All visitors must present valid identification each time they visit. The only forms of identification accepted by the Department are:

- A. A valid driver's license from the state of residence
- B. A valid state photo identification card from the state of residence
- C. A valid photo military identification card (active duty only)
- D. A valid passport.

Additionally, all minor visitors to VMR offenders will be required to provide a copy of a birth certificate no matter the age and additional identification may be required in other special circumstances as required by the Facility Head or designee.

Visitors under the age of eighteen (18) years shall be accompanied by a parent or legal guardian at all times while on facility grounds. This procedure does not apply to an offender's spouse who is under the age of eighteen (18) years. Based upon a request from the offender, the Facility Head may grant an exception to this requirement. In cases where a parent or guardian cannot accompany a minor child, the Facility Head may approve another responsible adult to accompany the child during a visit. In these cases, the accompanying adult must be on the offender's visitor list. The minor child's parent or legal guardian must sign and have notarized State Form 48965, AUTHORIZATION FOR MINOR CHILD TO VISIT, prior to the minor child being authorized to visit. Children under the age of 16 years of age shall be assigned a computer generated identification number in the OIS/JDS computer system. All visitors over the age of 13 years shall be logged into the OIS/JDS computer system.

### **XIV. SPECIAL VISITS:**

Special visits may be granted, with the prior approval of the Commissioner or Facility Head or designee, on a case by case basis. Operational procedures shall be developed which specify the parameters for such approvals. In developing

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	16	30
Title			
<b>OFFENDER VISITATION</b>			

these operational procedures, consideration shall be given to sources of transportation, accessibility to the facility by visitors, the distance a visitor must travel and any special circumstances.

In cases where a visitor has two (2) or more immediate family members incarcerated at the same facility, the visitor may be permitted to visit the immediate family members on the same day. However, the visitor will not be allowed to visit all of the family members at the same time.

Members of the news media may be granted special visits in accordance with Policy 00-03-101, "Distribution of Information."

#### **XV. SEGREGATED OFFENDERS:**

A facility may establish a separate visiting area for those offenders housed in a segregation or detention unit, including a protective custody unit. Offenders in segregation units may be restricted to "non-contact" or video visits. If a separate visiting area is established, operational procedures shall prescribe the manner and method in which this area is to be operated.

#### **XVI. DENIAL AND SUSPENSION OF VISITATION AND GATE CLOSURES:**

An individual's visitation privileges may be denied, suspended or the individual may be placed on gate closure status. Offenders or visitors who violate or abuse the rules governing visitation at the facility may have their visitation privileges temporarily or permanently suspended. An offender's visitation privileges also may be temporarily suspended for administrative reasons, such as during lockdowns. Temporary suspensions of an offender's visitation privileges may be for all visits or may be limited to a specific visitor. Temporary suspensions of an offender's or visitor's visitation privileges shall be for a determinate length of time. However, visitation privileges for a specific visitor may be permanently denied and a gate closure issued if it is determined that to allow such visits would threaten the safety and security of the facility. Any temporary suspensions for a period of more than 60 days or permanent suspensions (gate closures) shall be reported to the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services. Suspension of an offender's visitation privileges and gate closures shall be noted in the OIS/JDS computer system. Additionally, the Facility Head or designee issuing the suspension or gate closure shall send an e-mail to all other facilities notifying the facilities of the suspension or gate closure. The e-mail shall indicate the name of the visitor, the offender who was being visited, the reason for the suspension or gate closure and, if it is a temporary suspension, the date that the suspension will end.

Visitors who violate the visitation rules/procedures may be denied visits to a particular offender, to a specified facility or to all Department facilities. Denial of

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

### **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 17	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

these privileges shall be based upon the Department's interest in security, safety and order of the facility and the safety of the individuals involved.

Denial or suspension of visitation privileges or gate closures shall be given to the offender and visitor in writing, including the reason for the denial, the name of the staff person making this decision and the right of the offender to appeal the decision to deny visitation privileges through the "Offender Grievance Process", Policy 00-02-301. State Form 3779, DENIAL/RESTRICTION OF VISITATION PRIVILEGE, shall be used to notify the offender of the decision to deny or restrict visitation privileges. Additionally, the visitor shall be advised that while the suspension or gate closure is in effect, the visitor shall not be permitted to visit offenders in any Department facility. Whenever possible, the offender and the visitor should be notified of the suspension or gate closure within two (2) weeks of the initial decision. The denial or suspension of visitation privileges or gate closures shall be logged in the OIS/JDS computer system.

In cases where an offender's visitation privileges are suspended due to either the offender's behavior or based upon security needs of the facility, it shall be the responsibility of the offender to advise any prospective visitors of this suspension. Visitors who come to the facility to visit offenders whose visitation privileges have been suspended shall be advised that the offender may not receive visitors and the approximate date when the suspension may be lifted.

Visitors whose visitation privileges to visit an offender are denied or suspended or who are the subjects of gate closures may submit a letter to the Facility Head of the facility housing the offender requesting that the denial, suspension or gate closure be reconsidered. The Facility Head or designee shall review the request and determine whether the denial, suspension or gate closure was applied in accordance with these administrative procedures. If the Facility Head or designee determines that the denial, suspension or gate closure is to be rescinded, the Facility Head shall ensure that all appropriate staff at the facility and any other facilities are notified of the decision and that the visitor shall be allowed to visit the offender again. If the decision of the Facility Head or designee is to uphold the denial, suspension or gate closure, the visitor shall be advised that he/she may appeal the decision of the Facility Head by writing to the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services. The visitor shall explain the circumstances of the denial and why the visitation privilege should be reinstated. The Executive Director of Adult Facilities or Executive Director of Juvenile Services shall contact the Facility Head who has denied visitation and determine the reasons for this action. The appropriate Executive Director shall notify the visitor of his/her decision. The Executive Directors shall maintain a file of all requests to reinstate visits and the decision to uphold or reverse the restriction. The decision of the Executive Director shall be final.

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 18	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

If the action of the Facility Head is upheld, the visitor may apply again to have visitation reinstated no earlier than one (1) year from the date of the Executive Director's denial. The visitor shall send a letter to the Facility Head of the facility housing the offender requesting that visitation be reinstated. The Facility Head shall review the request and any previous materials relating to the request. If the decision of the Facility Head is to lift the visitation restriction, the Facility Head shall send a letter to the visitor advising that the restriction has been lifted and that the visitor is may commence visiting the offender again. If the visitation restriction is upheld, a letter shall be sent to the visitor advising that they may again apply for visitation no earlier than one (1) year from the denial. The visitor shall be advised that the decision of the Facility Head may be appealed to the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services.

If the visitor appeals the Facility Head's denial, the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services shall review the appeal. If the Executive Director overturns the Facility Head's decision upon review or on appeal, the Executive Director shall notify the visitor and Facility Head issuing the gate closure as to the decision. The Facility Head shall be instructed to lift the gate closure and allow the visitor to have visits at the facility. Also, the Executive Director making the decision shall send an e-mail to all facilities advising that the gate closure has been lifted. If the Executive Director upholds the Facility head's decision, the visitor shall be so notified and advised that this decision may be appealed to the Facility Head of the facility housing the offender one (1) year from the date of the Executive Director's decision.

Operational Procedures shall be developed that include notification to the appropriate Executive Director of all facility gate closures. The Restrictions Report shall be printed routinely by the facilities to monitor the denial or suspension of visitation privileges or gate closures.

#### **XVII. VOLUNTEERS:**

Volunteers are subject to the provisions of this policy and administrative procedure and Policy 01-03-103, "The Development and Delivery of Community Involvement Program." Visits by volunteers as a part of an approved volunteer program at the facility shall be in addition to an offender's normal visiting schedule. Volunteers shall be advised of the facility's visitation rules/procedures during the volunteer's orientation training.

Persons who are providing services to offenders in a volunteer capacity may be allowed to visit an offender outside of the approved volunteer program. Persons who are on an offender's visitation list may be permitted to provide volunteer

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	19	30
Title			
<b>OFFENDER VISITATION</b>			

services at the facility housing the offender if the volunteer's program duties are such that visiting the offender would be in the best interests of the program and the offender. Volunteers may be allowed to visit an offender at a facility not receiving their services. However, they are to report to the Facility Head or designee of the facility where their services are provided and the Facility Head of the facility housing the offender that they are visiting an offender at another Department facility.

#### XVIII. BODILY CONTACT BETWEEN OFFENDERS AND VISITORS:

Offenders and visitors may be physically separated. In those cases where an offender and visitor are permitted contact, the offender and visitor may be permitted to shake hands, embrace or kiss briefly at the beginning and end of the visit. There shall be no kissing or embracing during the actual visit. Offenders may hold hands with their visitors during the visit; however, offenders shall not touch any other part of the visitor's body. Children too small to sit in a chair by themselves may sit on the offender's lap during the visit. Operational procedures shall set forth acceptable limits for bodily contact between offenders and visitors and be consistent with the security needs of the facility.

Denial of contact visits shall be based upon a reasonable suspicion that to allow the offender contact visits would jeopardize the safety and security of the facility or the persons involved or may lead to the introduction of contraband or prohibited property. The denial of contact visits shall require the same notice and right to appeal as outlined in Procedure XV. Offenders who are placed on non-contact visitation may have the option of regular non-contact visits, intra-facility video visitation or video visitation through a vendor, if these options are available at the facility. There shall be no cost for intra-facility video visitation; however, there may be a cost associated with video visitation provided by a vendor.

Non-contact or video visits shall not be imposed as a disciplinary sanction unless the basis for the imposition of non-contact visits is an action that took place during a visit and the sanction is listed on the REPORT OF DISCIPLINARY HEARING. Non-contact or video visits may be imposed as an administrative action by the Facility Head based upon a staff member's written recommendation and justification indicating reasonable knowledge or information and belief that non-contact visitation is appropriate.

Any imposition of non-contact or video visits must have the written approval of the Facility Head or designee.

Offenders who are found guilty of certain violations of the applicable disciplinary code shall be subject to non-contact or video visits for prescribed periods of time. Following review and approval by the Facility Head or designee, offenders who

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 20	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

have been found guilty of the following disciplinary code offenses may be permitted only non-contact or video visits:

- Testing positive for the use of a controlled substance.
- Unauthorized possession of an electronic device (e.g., cellular telephone, pager, etc.) or altering an approved electronic device to use it as a charger for a cellular telephone.
- Refusal to submit to a test to determine the presence of a controlled substance.
- Possession and/or distribution of a controlled substance.
- Possession of a firearm or deadly weapon, including ammunition, or an explosive device.
- Multiple findings of guilt for use or possession of tobacco, tobacco associated products or unauthorized tobacco substitute products (including, but not limited to, more than one lighter, more than one box of matches, more than one package of cigarette rolling papers, etc.)
- Possession of escape materials.

Additionally, upon recommendation of staff and approval of the Facility Head, an offender may be considered for non-contact or video visits for violations of other disciplinary codes, including but not limited to:

- Batteries;
- Sex related offenses;
- Physically resisting staff;
- Possession, use or making of intoxicants;
- Escape or attempted escape;
- Trafficking; or,
- Violations that occur in the Visiting Room or associated areas.

If the Facility Head determines that the evidence supports the imposition of non-contact or video visits, the offender shall be allowed only non-contact or video visits based upon the following guidelines:

- First offense - Six (6) month of non-contact or video visits
- Second offense following a previously imposed non-contact or video visit restriction - Twelve (12) months of non-contact visits
- Third and subsequent offenses following two (2) previously imposed non-contact or video visit restrictions - Permanent non-contact or video visits

In order to impose either 12 months of non-contact or video visits or permanent non-contact or video visits the offender must have been placed on six (6) months

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 21	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

and/or 12 months of non-contact or video visits previously. The offender must have progressed through the lower levels of non-contact or video visits. Simply finding an offender guilty of any of the above offenses and not imposing non-contact or video visits shall not entitle the offender to be given a longer period of non-contact or video visits following the next finding of guilt. Additionally, non-contact or video visits imposed in a prior period of incarceration or in a prior commitment period shall not be considered when imposing non-contact or video visits in the current commitment.

These restrictions shall not be considered as a part of any disciplinary action taken against the offender for guilty findings for any of the indicated offenses; but, shall be an administrative action in addition to any disciplinary action taken against the offender. The Disciplinary Hearing Body or Screening Officer shall notify the Facility Head or designee of any offender who has been found guilty of any disciplinary code violation which may result in a recommendation for non-contact or video visits.

When a decision is made to permit only non-contact or video visits, the offender shall be notified in writing by use of State Form 43324, MODIFICATION OF VISITING PRIVILEGES. This notification shall include: the reason for the imposition of the non-contact or video visits; the time period for the imposition of non-contact visits; and, the offender's right to appeal the decision through the procedures for Policy 00-02-301, "Offender Grievance Process." In those cases where the non-contact or video visits apply only to a specific visitor, the visitor shall be notified in writing of the decision and his/her right to appeal this action to the Executive Director of Adult Facilities or Executive Director of Juvenile Services.

Following the imposition of non-contact or video visits and the exhaustion of appeals through the Grievance Process, an offender who has been placed on permanent non-contact or video visit status may request that this status be reviewed two (2) years from the date of the decision to impose non-contact or video visits. The offender shall submit a written request to the Facility Head asking that the imposition of non-contact or video visits be reconsidered. The Facility Head shall review the request and the offender's record during the two (2) year period and render a decision. If the Facility Head denies the request, the offender may appeal the decision to the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services. The Executive Director shall review the request and the Facility Head's comments and render a decision. The decision of the Executive Director shall be final. If the request is denied, the offender may submit another request to the Facility Head one (1) year from the date of the final denial.



<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 22	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

When non-contact or video visits are imposed, the Facility Head or designee shall ensure that all appropriate areas, including the information desk, visitor processing area and the Classification Department, are notified of this action. Passes granted to the offender for the purpose of visitation shall be clearly marked "non-contact or video visits."

Facilities shall develop operational procedures to ensure that non-contact or video visits are authorized and implemented in accordance with these administrative procedures.

#### **XIX. SUPERVISION OF VISITING ROOM:**

The following rules shall be maintained in the visiting area Post Orders:

1. Facilities must provide direct visual supervision of the entire visitation area at all times. Staff must position themselves throughout the visitation area to maintain a direct line of sight on interactions between offenders and visitors. While mirrors or cameras can augment direct supervision and compensate for blind spots, staff will position themselves with a direct line of sight on interactions between offenders and visitors.
2. Staff shall immediately intervene on inappropriate behavior, which may include behavior outside the bounds of permitted intimacy, or involve any violation of visiting regulations that may prove uncomfortable, disruptive, or offensive to other offenders and visitors.
3. Should inappropriate behavior result in an incident report or termination of the visit, staff must provide the reasons for terminating a visit in writing, by using State Form 3779, DENIAL/RESTRICTION OF VISITATION PRIVILEGE, to the offender who in turn may appeal the action to the facility administrator.
4. Notices will be posted informing visitors of the potential for monitoring anywhere in the visiting area, e.g., staff of the same gender as the visitor should monitor the restrooms during visits if there is a reasonable suspicion that a visitor or offender may engage or be engaging in some form of prohibited behavior.

#### **XX. RESTRICTIONS ON VISITS WITH MINORS:**

Adult male and female offenders who have a current or prior sex offense adjudication and/or conviction involving a minor may be restricted from receiving visits from minors (i.e. persons under the age of 18 years of age excluding spouses who are not the offender's victim).

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 23	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

### **A. INTAKE ASSESSMENT:**

1. When an offender is received at a Department Intake Unit, staff at the Intake Unit shall review the offender's records to determine whether there has been either a conviction as an adult or adjudication as a juvenile for a sex offense involving a minor. Staff at the Intake Unit shall complete the INITIAL SEX OFFENSE CHECKLIST for all offenders committed for a sex offense and shall include information relating to the offense. If there is such a conviction/adjudication, the offender's record shall be marked with a "Y" (for Yes) in the "VMR" (Visitor-Minor Restriction) field in the Offender Information System (OIS). This data is entered into the "Current Classification" screen. The "VMR" flag can then be viewed in the "Current Classification" screen and above the Offender's DOC Number on the "Visitor List" and "Visitor Log" screens.
2. Any offender identified as having a sex offense involving a minor shall be notified in writing of the visitation restriction with minors. State Form 3779, "Denial/Restriction of Visitation Privilege," shall be used for this purpose. The offender shall be advised that his/her visitation with minors will be restricted until his/her records have been thoroughly reviewed and he/she meets with the Unit Team at the housing facility. A copy of the completed State Form 3779 shall be placed in Section 5 of the offender's facility packet.
3. The following visiting restrictions for minor visitors shall be imposed:
  - a. Offender with no current or previous sex offenses involving a minor – No restrictions on minor visitation.
  - b. Offender with no sex offense(s) in the current commitment period and a previous sex offense that did not involve a minor – No restrictions on minor visits.
  - c. Offender with a no sex offense(s) in the current commitment period and a previous sex offense involving a minor:
    - (1) If the offender was discharged from supervision 10 or more years prior to the current commitment – Non-contact visits with minors.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 24	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

(2) If the offender was discharged from supervision less than 10 years from the current commitment – No minor visitation.

(3) If the offender has multiple sex offenses involving minors or the use of force or threat of force was used (involving a minor) – No minor visitation.

d. Offender with a sex offense involving a minor in the current commitment period: No minor visitation.

### **B. HOUSING FACILITY ASSESSMENT:**

1. Upon receipt of the offender at the housing facility and during the admission and orientation (A & O) process, staff shall determine whether the offender is a “VMR” offender. If the offender is a “VMR” offender and has requested that minors be placed on his/her visitation list, the staff in A & O shall advise the offender’s Unit Team of the “VMR.” During the Unit Team’s first meeting with the offender, the “VMR” designation will be discussed with the offender. The offender shall be advised as to any minor visitation restrictions. Unit Team staff shall complete the facility review determining whether the offender should be allowed to have minor visitation. Until the Unit Team completes the review and advises the offender, the offender shall be restricted as indicated above.

a. The offender must not have had any disciplinary code violations for any sex related offenses during the preceding 12 months.

b. The intended visitor must be documented in the offender’s packet as the offender’s child or grandchild (including step-children and step-grandchildren) and must not have been a victim of the offender.

c. The offender has not been adjudicated/convicted of any other sex offense and there is no documentation, in the offender’s records, indicating the offender has/had multiple victims. If the offender has multiple counts for sex offenses in the current commitment period, these offenses shall count as only one (1) offense if there was a single victim.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 25	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

- d. The offender must not have had any other visitation restrictions for sexually related activities within the preceding 12 months.
  - e. There must be no known court orders restricting/prohibiting the offender's contact with the intended minor visitor(s).
  - f. The circumstances surrounding the triggering adjudication(s)/conviction(s) indicate the minor, though legally incapable of consenting, was not compelled by force or threat.
2. The Unit Team shall review the responses to the above questions. If the responses to Questions a, c, d, e and f are in the negative and the response to Question b is in the affirmative the offenders shall be permitted or denied visitation with minors as indicated in XIX A 3.

If any of the responses to Questions a, c, d, e or f are in the affirmative or if the response to Question b is in the negative, the offender shall not be permitted to have visits with minors.

The Unit Team shall notify the offender in writing of its decision regarding visits with minors. If there is a restriction, either non-contact or no visits, the Unit Team shall use State Form 3779 for this purpose.

- C. Offenders who are denied visits with minors shall automatically receive a Case Review to ensure that the restriction is appropriate. The Facility Head or designee shall forward all pertinent material regarding the reason for the restriction to the Division of Mental Health in Central Office.

The SOMM Program Manager in Central Office shall complete a Case Review of the offender and make a determination as to whether there should be any changes in the decision of the Unit Team. The decision of the Central Office staff shall be final. There shall be no appeal through the Offender Grievance Process of this decision as the decision to restrict the visits will automatically be reviewed by Central Office.

The SOMM Program Manager in Central Office shall submit a copy of the Case Management Review Summary to the Facility Head of the facility housing the offender with a decision regarding whether visits with minors are to be permitted and any restrictions on these visits. The Facility Head shall review the decision in the Case Management Review Summary and

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-102	Effective Date 06/01/09	Page 26	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

ensure that the decision is implemented. The Facility Head shall ensure that the Case Management Review Summary is filed in the offender's facility packet.

If the decision is to grant the visits, the Facility Head shall ensure that the offender is notified that the requested visits are granted contingent on the following:

1. The offender must consent to send State Form 50270, SEX OFFENDER VISITATION WITH MINOR VISITATION DISCLOSURE at his/her expense to the parent/legal guardian of the intended visitor(s) and the parent/legal guardian must complete the form. This form shall indicate the offender's offense; the circumstances of the offense; an agreement to accept responsibility for a minor to visit the offender; agreement to abide by all of the facility's visitation rules; and, the conditions of the visit. This form must be completed and returned to the facility.
2. Whenever a visit occurs, a picture identification card must be presented for each minor visitor. (Picture identification cards are available from the Bureau of Motor Vehicles License Branches).

The child(ren) may visit the offender only in the company of the parent/legal guardian unless prior approval has been given, in accordance with these procedures, to allow another adult to accompany the child(ren) to the facility.

If all of the above conditions are met, visits with the requested minor(s) who are immediate family may occur.

If the intended minor visitor is the legal spouse of the offender and the marriage can be verified through the offender packet or by the spouse providing documentation, the spouse shall be permitted to visit the offender. In cases where the spouse was the victim of the offender, if approved in the Case Management Review, the spouse may be allowed to visit the offender.

Once visitation has been granted, the Facility Head shall ensure that the approval is noted in the "Comment" field in the "Counselor's Approval List" in OIS while retaining the "Y" indicator on the "VMR" field. The original approval and Case Management Review Summary shall be filed in the offender's packet with other visitation documents.

- D. The decision to allow an offender to have visits with minors shall be honored by all facilities as long as the offender continues to meet the stated criteria

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	27	30
Title			
<b>OFFENDER VISITATION</b>			

and continues to make progress towards his/her RAP.

E. During the development of the Offender's Re-Entry Accountability Plan (RAP) the Unit Team shall discuss any restrictions placed on the offender's visitation with minors. The Unit Team shall advise the offender that if the offender makes substantial progress in meeting the needs identified in the RAP, the offender may have the restriction lessened or removed. Substantial progress means that the offender has made significant strides in completing any programs identified that may impact the likelihood that the offender will re-offend. For example, if the offender successfully participates in the SOMM Program, the approved Substance Abuse Program or other programs, such as "Thinking for a Change" or an approved Anger Management Program, the Unit Team may consider lessening the visitation restriction.

1. The offender's minor visitation restrictions shall be reviewed during each RAP review. If the Unit Team determines that the offender has made significant progress in addressing the areas in the RAP, the Unit Team shall contact SOMM staff, if available at the facility, to discuss modifying the restrictions on minor visitation. The Unit Team shall submit a recommendation based upon its findings and the input from the SOMM staff to the Facility Head for a decision.

- a. If the Facility Head approves lifting the restriction, the Unit Team shall notify the offender that he/she may have contact visits with his/her children.
- b. If the Facility Head denies the lifting of the restriction, the Unit Team shall advise the offender of the decision and the reason for the decision. The offender shall be advised that he/she shall be reviewed again in six (6) months.
- c. The decision of the Facility Head shall be final.

2. Offenders who have been placed on no minor visitation shall be required to remain on this restriction for one (1) year before being considered for non-contact visits with minors. The Unit Team shall meet with the offender during the next RAP review following the end of the one (1) year period and shall review the offender's behavior and progress in addressing those areas indicated in the RAP. If the Unit Team believes that the offender's behavior has been appropriate and that he/she has made appropriate progress in addressing the issues in his/her RAP, the Unit Team shall contact SOMM staff, if available at the facility, to obtain their opinion about lifting the restrictions on the offender's visitation with minors. The Unit Team shall submit a recommendation based upon its findings

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	28	30
Title			
<b>OFFENDER VISITATION</b>			

and the input from the SOMM staff to the Facility Head for a decision.

- a. If the Facility Head approves the recommendation, the Unit Team shall advise the offender that he/she has been approved for non-contact visits with minors.
- b. If the Facility head denies the lifting of the restriction, the Unit Team shall advise the offender of the decision and the reason for the decision. The offender shall be advised that he/she shall be reviewed again in six (6) months.
- c. In cases where these offenders are granted non-contact visits, they will be required to remain on non-contact visits for at least one (1) year. After being on non-contact visits with minors for one (1) year, they may be considered for contact visits in accordance with the above procedures.
- d. The decision of the Facility Head shall be final.

- F. The Unit Team shall review any disciplinary actions taken against the offender, any visitation restrictions imposed, the offender's progress toward completing the requirements in the RAP and whether the offender continues to meet the criteria for minor visitation. The Unit Team shall make a determination as to whether the offender's minor visitation status should be revised and, if a change appears appropriate, shall submit a recommendation to the Facility Head.

If the offender, after having been approved for visits, fails to continue to meet any of the above criteria or exhibits any behavior that raises concerns about the safety or security of the facility or the public, the approval for any visits with minors shall be rescinded immediately.

- G. In certain cases, visits with minors may be permitted even if the offender does not meet all of the above criteria and a Case Management Review has not been conducted. Unless prohibited by a court order, the Facility Head may approve a visit with minors who are immediate family members in the following situations:

1. The offender is in the last stages of a terminal illness and it appears that the offender's death is imminent.
2. A therapeutic visit is requested by the victim's licensed therapist. If the victim is in therapy and the victim's therapist believes that the visit is necessary for the successful treatment of the victim, the therapist may request a special visit. The therapist must submit a request on his/her letterhead stating the purpose of the visit and

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-102	06/01/09	29	30
Title <b>OFFENDER VISITATION</b>			

those to be present at the meeting. Additionally, the therapist must provide a signed statement from the victim or the victim's parent/legal guardian, if the victim is still a minor, authorizing this visit and a copy of the therapist's state license. The Facility Head shall review this request and determine whether it appears that to permit such a visit will be in the best interests of all parties. If the proposed visit appears to be appropriate, the Facility Head or designee shall contact the offender to ensure that the offender agrees to such a meeting. If the Facility Head approves such a visit and the offender agrees to the visit, a written notification, indicating the date and time of the visit, shall be sent to the therapist. The permission for such a therapeutic visit shall be for one (1) visit only. If the therapist believes that another visit is necessary, the therapist must obtain approval for any subsequent visits, in accordance with the above process.

3. The facility receives a court order instructing it to allow the offender to visit with a specific minor. If a facility receives a court order for a VMR offender to be permitted visitation with a minor, the facility shall contact the Division of Legal Services as soon as possible. The Division of Legal Services shall contact the court and advise the facility as to what action is to be taken.

Facilities shall develop operational procedures to ensure that VMR offenders are identified and that all appropriate reviews are conducted. Additionally, operational procedures shall indicate that the Facility Head shall designate a staff person who shall be the VMR contact person for requests to allow visits with minors for VMR offenders.

## **XXI. EMERGENCY SITUATIONS:**

When the Facility Head determines that an emergency situation exists as presented in Policy 02-03-102, "Emergency Response Operations," any or all visits shall be suspended. Any visits in progress shall be terminated and the visitors escorted from the facility.

In cases where the Facility Head or designee determines that it is in the best interest of the facility, visitors or offenders, the Facility Head or designee may suspend any or all visitation privileges. In those cases, the Facility Head or designee shall notify the individuals involved that the visit is terminated. The individuals involved in the terminated visit shall be advised if and/or when a visit may occur again.



# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 02-01-102	Effective Date 06/01/09	Page 30	Total Pages 30
Title <b>OFFENDER VISITATION</b>			

### **XXII. APPLICABILITY:**

These administrative procedures are applicable to all Department facilities and offenders, except offenders housed on X-Row at the Indiana State Prison. Offenders on X-Row shall be permitted visits in accordance with 210 IAC 1-8 and any procedures developed by the Indiana State Prison to implement this rule. Any procedures developed by the Indiana State Prison for visitation with offenders on X-Row shall be included in the facility's operational procedures for these administrative procedures.

Signature on File

Edwin G. Buss  
Commissioner

4/06/09

Date

**INDIANA DEPARTMENT OF CORRECTION****Application for Visiting Privileges****State Form 14387 (R2/7-08)**

**INSTRUCTIONS – 1. Please Print** 2. All spaces must be completed 3. Sign the application 4. Return application to the offender's counselor as indicated at the bottom of this document 5. Do not attempt to visit until the offender notifies you that your application was approved 6. Submit legible copy of photo ID (16 & older) 7. Children 15 & under must submit a legible copy of their birth certificate. 8. A separate application must be submitted for each applicant, including children.

<b>Offender Information</b>	Offender Name: _____	DOC Number _____
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The above named offender has requested that you be added to his/her list of approved visitors. In order for this to be done, you must follow the directions above and YOU (or parent/guardian) must properly complete this application and return it to the facility to the attention of the counselor of the offender's housing unit (do not return it to the offender). If you are approved to visit, it will be the offender's responsibility to notify you and then send to you a copy of the rules for visitation. We DO NOT give out this information by telephone.

Applicant's Name: Last, First, Middle _____		Current Address (Must match ID Used) _____	
Driver's License Number & State of Issue #: _____ State: _____	State ID No. & State of Issue or other approved ID No./Type #: _____ State: _____ Type: _____		Race _____
Date of Birth (MM/DD/YYYY): _____		Telephone Number with area code: _____	
Are you related to this offender? <input type="checkbox"/> Yes <input type="checkbox"/> No		If related, how (must be immediate family)? _____	

Immediate family limited to mother, father, siblings, spouse, children, grandparents, grandchildren, including those with "step", "half", or adoptive relationships, aunt, uncle and those persons with the same relationship to the offender's spouse. Immediate family and 2 friends, up to a maximum of 12 persons will be allowed on the offender's contact list.

Applicant under 18 years of age? <input type="checkbox"/> Yes <input type="checkbox"/> No	*Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No
*Are you on parole/probation? <input type="checkbox"/> Yes <input type="checkbox"/> No	*Do you have any pending charges against you? <input type="checkbox"/> Yes <input type="checkbox"/> No
*Have you ever been incarcerated in a penal facility in any state or any country? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list where and why here. Where: _____ Why: _____ (Attach additional sheet if necessary)	

If the response to any question above marked (\*) is "yes", you must submit a special request for visitation privileges to the Superintendent of the appropriate facility. If you are on parole/probation, you must also submit written approval from your Parole/Probation Officer.

Are you currently or formerly an employee of the Indiana Department of Correction or any Correctional facility in any state? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes", please give the location and the last date of employment: Location: _____ Last Date Employment: _____	
Are you on any other offender's visiting list? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes": Relationship: _____ Offender DOC#: _____ Name: _____	Are you now or have you ever been a volunteer at an IN correctional facility? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes": Facility: _____ Volunteer Type: _____

**ANY FALSIFICATION OF INFORMATION ON THIS APPLICATION FOR VISITATION PRIVILEGES WILL RESULT IN IMMEDIATE SUSPENSION OF VISITATION PRIVILEGES AT ALL INDIANA DEPARTMENT OF CORRECTION FACILITIES.**

By your signature below you are indicating that:	
<ul style="list-style-type: none"><li>You have read, understand and agree to abide by all rules set forth by the Department of Correction in order to visit any offender at any Department facility.</li><li>You understand that you, your property and your vehicle while on Department of Correction grounds are subject to search, including frisk searches and the use of metal detectors, ion scanning equipment and/or search dogs. You WILL be searched before being allowed to enter the visiting area. Refusal to submit to a search will result in you not being allowed to visit and you will be required to leave the facility immediately. Such refusal may restrict your ability to visit any offender in any Department of Correction facility.</li><li>You understand that a criminal <b>warrants</b> check will be performed on you before you are allowed to visit</li><li>You understand that possession of any firearms, weapons, knives, ammunition, narcotics, controlled substances, alcoholic beverages, marijuana, tobacco or tobacco related items or electronic devices, including cellular telephones, pagers or other communication devices is strictly prohibited. Medication and money/currency may only be possessed in accordance with Department rules.</li><li>You understand that visits are monitored and videotaped.</li><li>You certify that all of the information provided on this application is true, correct and as up to date as possible to the best of your knowledge and that you will notify the facility of any changes of address, telephone number, etc..</li></ul>	

Applicant's Signature: _____		Date (MM/DD/YYYY): _____	
Signature of Parent/ Legal Guardian (if under 18): _____		Date (MM/DD/YYYY): _____	
FOR OFFICE USE ONLY	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Signature of reviewing authority (Legible please): _____	
Return To:	Facility Name & Address: _____	Attention Counselor of Housing Unit _____	

Visitation with offenders committed to the Indiana Department of Correction is a privilege. Visitation may be restricted, denied or suspended if an offender and/or visitor does not follow the Department's visitation rules.

The following are the rules that a visitor must follow in order to be allowed to visit with an offender:

1. **VISITORS LIST:** In order to visit an offender, the visitor must be on the offender's visitors' list. The offender has been given information on how to put someone on his/her visitors list. If you are uncertain as to whether you are on the offender's visitors list, please contact the offender you wish to visit. Do not call the facility for this information; it cannot be given over the phone.
2. **LIABILITY:** Visitors enter Department facilities and the visiting areas at their own risk. The Department of Correction will assume no liability for any injuries or damage or loss of property as a result of a person entering a visiting area or any other area within a facility.
3. **SEARCHES:** All visitors entering a Department of Correction facility shall be minimally subject to a frisk search by staff which shall include the breast and groin area being physically searched. With the visitor's consent, this search may be conducted by staff of either gender. Additionally, visitors entering visiting areas shall be subject to additional searches using metal detectors and ion scanning equipment. Specially trained search dogs (K-9s) may be used as a part of the search process both prior to a visitor entering the visiting area and in the actual visiting room during visits. Any person refusing to be searched at any time shall not be permitted to enter the facility and a visit may be terminated if a visitor refuses to be searched or contraband or prohibited property are found on the visitor or in the visitor's property. If a visitor does not wish to be searched either by hand or by using other means, the visitor should not attempt to enter a Department of Correction facility.
4. **REGISTRATION:** Visitors must register with staff prior to entering the visiting area. Visitors will be required to sign the entry log and be approved for the visit before they will be allowed to enter the visiting area.
5. **IDENTIFICATION:** All visitors who are 16 years old or more shall be required to show a picture identification. All visitors must present valid identification each time they visit. The only forms of identification accepted by the DOC are:
  - a valid driver's license from the state of residence
  - a valid state photo identification card from the state of residence
  - a valid photo military identification card (active duty only)
  - a valid passport.
6. **CHILDREN:** Visitors under the age of 18 years of age must be accompanied by their parent or legal guardian at all times while on facility grounds. Children shall not be left alone at any time while on facility grounds. Parents or legal guardians shall be responsible for the behavior of their children and a visit may be ended if the children become disruptive.
7. **DRESS STANDARDS:** Visitors shall wear clothing that poses no threat to the security, custody or maintenance of order at the facility. The following standards are to be met:
  - Undergarments must be worn at all times.
  - Shoes must be worn, except for infants who are carried.
  - Tight fitting, such as stirrup, lycra pants, or leggings, shall not be worn.
  - Dresses, skirts, or shorts must be no shorter than two (2) inches above the knee and not have deep slits.
  - Halter or tank tops, tube tops, sheer, see-through, or low-cut clothing is not permitted.
  - All visitors must wear a shirt/blouse with sleeves.

- No jewelry, except a wedding band or set, may be worn in the visitation area.
  - Hats or other head coverings are not permitted, except as required by religious beliefs.
  - No heavy coats or sweaters will be permitted in the visiting area.
8. **ITEMS NOT PERMITTED:** Visitors shall not be permitted to possess or carry the following items into the visiting area: Firearms, weapons, knives, ammunition, narcotics, medication (unless the medication is life-saving or life-sustaining, such as nitroglycerin pills, oxygen bottles, bee sting kits, inhalers, etc), controlled substances, alcoholic beverages, marijuana, tobacco and tobacco related items, cameras, video and audio recording equipment and electronic devices, including, but not limited to: cameras, cellular telephones, pagers, blackberries, radios, tape recorders, etc. Visitors may not carry anything into the visiting area except one (1) clear, plastic baby bottle and/or pacifier and one (1) diaper. **If life-saving or life-sustaining medication is brought to the facility, the visitor must advise the staff at the visiting desk that they are carrying such medications.**
  9. **MONEY:** Each adult visitor shall be permitted to bring up to \$ 20.00 (coins only) into the visiting area to be used to purchase items from vending machines. Visitors shall not give any money to an offender. Giving money to an offender shall be considered trafficking and shall cause the visit to be stopped and the visitor restricted from visiting the offender in the future.
  10. **EX-OFFENDERS:** Visitors shall be asked whether they are or have been committed to the Department of Correction. Visitors who are on parole, probation or under the supervision of a court shall not be permitted to visit an offender without the prior approval of the Superintendent of the facility and the supervising Parole Agent, Probation Officer, or Court Officer.
  11. **DEPARTMENT OF CORRECTION EMPLOYEES:** Visitors shall be asked whether they are current or past employees of the Department of Correction. Current employees of the Department of Correction must have the prior approval of their agency head (Superintendent, Parole District Supervisor, etc.) and the Superintendent where they intend to visit before visiting with any offender. Previous employees of the Department must have left the Department at least one (1) year prior to the visit. Previous employees who have been terminated from their employment with the Department or who resigned prior to being terminated or while under investigation for violating a Department procedure shall not be permitted to visit any offenders.
  12. **CONTACT BETWEEN OFFENDERS AND VISITORS:** Offenders who have "contact" visits may embrace (hug) and kiss at the beginning and at the end of the visit. During the visit, the only contact permitted is holding hands. Small children may be permitted to sit on the lap of the visitor or offender. Any improper contact between an offender and visitor shall be grounds for stopping the visit immediately and possible restrictions on the visitor's ability to visit the offender. Some offenders are restricted to "non-contact" visits. In these cases, there shall be no physical contact (touching) between the offender and the visitors. Restroom breaks may be authorized, however visitors will be subject to the entire search process.
  13. **SEX OFFENDER VISITATION:** Offenders who have been convicted of sex crimes involving persons under the age of 18 years old may be denied visitation with any persons under the age of 18 years old. In these cases, the offender shall be made aware of this restriction and may appeal the decision to deny these visits. Visitors should be aware of this restriction before attempting to bring persons under the age of 18 years old to visit.
  14. **TRAFFICKING:** The giving or receiving of any item(s) to/from an offender without the prior approval of staff shall be considered trafficking. Visitors caught trafficking with offenders shall be subject to arrest and criminal prosecution and the permanent denial of visits with any offender under the jurisdiction of the Department of Correction. The only exception to this rule is that a visitor may purchase soft drinks or snacks from the vending machines in the

visiting area and share them with the offender. The offender shall not be permitted to take anything out of the visiting area when the visit is finished.

15. VISITING HOURS: The minimum visiting hours in Department of Correction facilities are:

- A. Medium and Maximum Security Adult Facilities: 9:00 a.m. to 3:00 p.m. six (6) days per week.
- B. Juvenile and Minimum Security Adult Facilities: Two (2) evenings per week (after 5:00 p.m.) and 9:00 a.m. to 3:00 p.m. on weekends.

These hours are the normal minimal visiting hours at the Department's facilities. Please contact the offender that you wish to visit to ensure that he/she is eligible for visits and the specific times when he/she may have visits. Also, you may check the visiting hours for the specific facility at the Department of Correction's Internet site ([www.in.gov/idoc](http://www.in.gov/idoc).)

16. PUBLIC TRANSPORTATION: Some Department of Correction facilities have public transportation available to the facility. Information is provided at the facility to the offender population if public transportation is available. There may be a cost for the use of this transportation and the Department of Correction does not endorse or claim any liability for the use of the transportation provider. Please contact the offender that you wish to visit to obtain specific information regarding any types of transportation that may be available to the facility where the offender is housed.

17. DIRECTIONS: If you plan to drive to the facility where the offender is housed, you may telephone the facility for the driving directions or you may check the Internet site for the Indiana Department of Correction ([www.in.gov/idoc](http://www.in.gov/idoc).) and find the directions under the name of the facility you wish to visit.

18. TERMINATION OF VISITS: The Superintendent of the facility or staff designated by the Superintendent may terminate a visit at any time if they believe that ending the visit is in the best interests of the safety and security of the facility or the persons involved.

19. SUSPENSION OF VISITING PRIVILEGES: The Superintendent of the facility may temporarily or permanently suspend a person's visiting privileges for violation of these rules, violation of Department of Correction or facility procedures, or if it is in the best interests of the safety and security of the facility or persons involved. In cases where a suspension is for 60 days or more, the visitor shall not be permitted to visit any offender or Department facility until the suspension has been lifted. Visitors shall be notified in writing of any suspension of visiting privileges and shall be permitted to appeal the suspension to the appropriate Executive Director of Adult Facilities or Executive Director of Juvenile Services.

20. SPECIFIC INFORMATION PROVIDED BY THE OFFENDER OR FACILITY:

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